

House Study Bill 221

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON LYKAM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to possession or consumption of an alcoholic
2 beverage by an under legal age person on certain property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2411HC 82
5 jm/cf/24

PAG LIN

1 1 Section 1. Section 123.47, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 1A. Except for the purposes described in
1 4 subsection 2, a person who is the owner or lessee of, or who
1 5 otherwise has control over, property that is not a licensed
1 6 premises, shall not permit any person, knowing or having
1 7 reasonable cause to believe the person to be under legal age,
1 8 to consume or possess on such property any alcoholic liquor,
1 9 wine, or beer.

1 10 Sec. 2. Section 123.47, subsection 3, paragraph a,
1 11 unnumbered paragraph 1, Code 2007, is amended to read as
1 12 follows:

1 13 A person who is under legal age, other than a licensee or
1 14 permittee, who violates this section regarding the purchase of
1 15 or attempt to purchase alcoholic liquor, wine, or beer, or
1 16 possessing or having control of alcoholic liquor, wine, or
1 17 beer, or permits under legal age consumption or possession on
1 18 certain property, commits the following:

1 19 Sec. 3. Section 123.47, subsection 4, Code 2007, is
1 20 amended to read as follows:

1 21 4. Except as otherwise provided in subsections 5 and 6, a
1 22 person who is of legal age, other than a licensee or
1 23 permittee, who sells, gives, or otherwise supplies alcoholic
1 24 liquor, wine, or beer to a person who is under legal age in
1 25 violation of this section, or permits under legal age
1 26 consumption or possession on certain property, commits a
1 27 serious misdemeanor punishable by a minimum fine of five
1 28 hundred dollars.

EXPLANATION

1 30 This bill relates to possession or consumption of an
1 31 alcoholic beverage by an under legal age person on certain
1 32 property.

1 33 Under the bill, a person who is the owner or lessee of, or
1 34 who otherwise has control over, property that is not a
1 35 licensed premises, shall not permit an under legal age person
2 1 to consume or possess an alcoholic beverage on such property.

2 2 The bill does not affect situations involving a person
2 3 under legal age consuming or possessing an alcoholic beverage
2 4 for a permitted purpose under Code section 123.47, subsection
2 5 2.

2 6 For a first offense, a person under legal age who permits
2 7 under legal age consumption or possession in violation of the
2 8 bill commits a simple misdemeanor punishable as a scheduled
2 9 violation under Code section 805.8C, subsection 7; for a
2 10 second offense a person commits a simple misdemeanor
2 11 punishable by a fine of \$500; and for a third or subsequent
2 12 offense the person commits a simple misdemeanor punishable by
2 13 a fine of \$500 and suspension of the person's motor vehicle
2 14 operating privileges for up to one year.

2 15 A person of legal age who permits under legal age
2 16 consumption or possession in violation of the bill commits a
2 17 serious misdemeanor punishable by a minimum fine of \$500.

2 18 LSB 2411HC 82

